

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday, August 15, 2005

Mayor James Schmidt called the meeting to order at 7:03 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Michael Helland, Skip Berkshire and Alan Bernholtz. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, and Building Official Bob Gillie (for part of the meeting).

Schmidt noted that during the work session prior to the regular meeting, Council held a discussion with Crested Butte/Mt. Crested Butte Chamber of Commerce director Mark Ewing regarding funding for an Events Coordinator position.

Approval of the minutes of the August 2, 2005 regular council meeting.

Coburn moved and Levy seconded to approve the minutes as corrected on pages 3 and 4. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. PUBLIC COMMENTS

- Pat Crow, Center for the Arts Director and Spokesperson for the Arts Alliance noted a memo she distributed to council from the Arts Alliance. Crow explained that the Arts Alliance has begun looking into conducting a survey regarding a new performing arts center. Council indicated that they would like the survey to ask a variety of questions including questions regarding siting of the facility.

Crow explained that the consensus of the Arts Alliance is that a new performing arts center be built near the 4-way stop at the northern end of the Town Park. She asked council to schedule a work session to discuss issues surrounding the location of a new performing arts center and to help craft questions for a community survey. Arts Alliance members Woody Sherwood and Jim Kingsdale urged Council to schedule a work session. Sherwood said it's important for Council to understand the thinking of the Arts Alliance and Kingsdale said it's important to discuss the complexities of the issue so Council can understand why location of the performing arts center is so important.

Helland said he would also like to hear specific information on why the current site of the Center for the Arts would not work as the site for a new or expanded facility. Council agreed to hold a work session with the Arts Alliance on Monday, August 22, 2005 at 6:30 p.m. Schmidt asked Crow to provide written material to the council on the topic prior to the work session (preferably by Thursday, August 18).

-Mike Martin, representing the group "Friends of Snodgrass" asked Council to schedule meeting time for the group to make an "alternative" presentation regarding proposed expansion of the ski area onto Snodgrass Mountain. Council discussed the request and whether to schedule the Friends of Snodgrass presentation at the September 19, 2005 Council work session when Crested Butte

Mountain Resort representative, John Norton, will give a presentation regarding plans for Snodgrass; or to schedule a presentation from the Friends of Snodgrass on a different date. Council agreed to schedule the Friends of Snodgrass presentation at the September 19, 2005 Council work session following the presentation from Norton, which will start at 5:30 p.m.

-Crested Butte resident Steve Glazier asked the Council to consider a resolution asking the State of Colorado to retain current oil and gas regulations (regarding storm water run-off regulations for oil and gas operations). Glazier explained that Gunnison County and the Gunnison County Electric Association support keeping the regulations in place. Council indicated interest in considering a resolution at a future council meeting.

-Local hockey enthusiast, Dave Clement, said cost projections of \$ 9.2 million for an indoor skating rink are excessive and that Telluride built an indoor hockey rink for under \$3 million. Clement said a price tag of \$3 million is a reasonable figure.

2. COUNCIL COMMENTS

Levy:

- Reported that the West Elk Loop Scenic Byway Committee sent out an email explaining that a proposed oil and gas lease, on a parcel of land located on the other side of Kebler Pass near the Scenic Byway, was withdrawn.

Schmidt:

- Reported that he attempted to meet with representatives of U.S. Energy at a meeting with the Board of County Commissioners but was unsuccessful because they went into executive session.

Chlipala:

- Reported that Mountain Express will receive a \$500,000 grant over a four year period for a new bus barn. Also there is a change in the bus stop location in Mt. Crested Butte due to construction.

3. PUBLIC HEARINGS –None

5. NEW BUSINESS

A) Discussion of Crested Butte Arts and Recreation Plan- Concerning Recreation Planning including the “Community Campus” and Big Mine Park.

Bell noted his memo regarding Crested Butte Arts and Recreation Planning (CBAR) for the proposed Community Campus area and Big Mine Park. Bell explained that some of the proposed CBAR plans for the area need to be reconfigured because of intrusion into wetlands. He explained that documents recently came to light regarding agreements the Town made in 1996 that protect 148 acres of wetlands on the Town Ranch. Bell requested Council to approve a survey of the area to determine where projects can and cannot be located. Council briefly discussed the 1996 agreements concerning restricting development in the wetlands. Magner explained that the Town’s water attorney

(Jay Cope) indicated that he saw no reason why the U.S. Army Corps of Engineers would agree to amending the 1996 agreements regarding protection of the wetlands.

Crested Butte resident Steve Glazier discouraged Council from proposing any additional incursion into the wetlands. Glazier said he is also concerned about increasing traffic in the area around school (due to proposed development of CBAR projects) and encouraged use of the school parking lot rather than more parking behind the school.

Council indicated support for a survey of the area as well as the appointment of a subcommittee regarding location of proposed recreation facilities in the community campus area. Coburn, Schmidt and Helland volunteered to serve on the CBAR recreation subcommittee.

Chlipala moved and Bernholtz seconded to instruct Town staff to hire a surveyor or have Town staff survey land in the "Community Campus" pod. The survey should include the wetland boundary, the road and Tommy V. Field. Additionally, the survey should determine what percentage of the Town ranch is no longer open space. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Consideration of Request for Proposal (RFP) Including Feasibility and Cost for an Event Tent over the Big Mine Park Skating Rink.

Bell discussed points noted in his memo regarding the Big Mine Park Skating rink. He asked Council to make a policy decision on whether the Town should retain the ice rink at Big Mine Park for recreational skating if a new indoor rink is built. Helland pointed out that retaining the Big Mine rink goes against the recommendation of the Elk Mountain Design Collaborative (Crested Butte Arts and Recreation Plan), but he supported keeping the Big Mine skating rink open. Council consensus was to keep the Big Mine Park Skating rink open for recreational skating if an indoor rink is built.

Council also discussed the feasibility of placing an event tent over the rink for summer events. Bell explained that a tent may be an option for events that will be displaced by Construction in Mt. Crested Butte. Woody Sherwood of the Crested Butte Music Festival asked a few questions concerning the type of tent and the proposed acoustics and available parking in the area. Bell responded that there are many uses for the proposed tent and the needs of the Music Festival should not drive decision-making regarding the proposed tent. Council gave Bell the go-ahead for an RFP concerning the feasibility and cost of installing an event tent over the Big Mine Park Skating rink.

Berkshire moved and Levy seconded to accept staff recommendations regarding the Big Mine Park as noted in Frank Bell's memo to Council dated August 11, 2005 (i.e. keep the Big Mine facility irrespective of the construction of a new ice rink, at least until such time as it becomes clear that the Big Mine facility is a burden that the Town cannot afford or maintain or it otherwise detracts from the new facility). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council discussed the 6th Street Improvement Project. Bell explained that he wanted to make sure that current construction plans for the 6th Street Project reflect the wishes of the Council. Bell explained that the current plan provides for temporary on-street parking along 6th Street south of Sopris Avenue to the southern boundary of the Town limits. Bell noted that initially the plan did not call for a parking apron along 6th Street South of Sopris Avenue and adding it will result in additional costs for the project. Public works director Bob Gillie discussed the project and showed the council a road profile of the 6th Street Improvement project. Council endorsed the road profile as presented. The road profile indicates the following specifications:

Two 12 ft. wide driving lanes

9 ft. wide area for events parking or bike lane when not needed for event parking.

8 ft. wide area for landscaping

10 ft. wide area for sidewalk

1 ft. margin

C) Approval of Intergovernmental Agreement (IGA) with Gunnison County Regarding Administration of the November 1, 2005 Coordinated Election and the Appointment of Town Clerk Eileen Hughes as the Designated Election Official for the Town of Crested Butte.

Town Clerk Hughes explained that the IGA is essentially the same as previous IGA's with the county for a coordinated election. She noted that even though the November 1, 2005 election will be a mail ballot election the IGA is the same as previous agreements approved for coordinated polling place elections.

Coburn moved and Helland seconded to approve the Intergovernmental Agreement with Gunnison County regarding the administration of the November 1, 2005 Coordinated Election and to appoint Eileen Hughes as the designated election official for the Town of Crested Butte. Roll call vote taken with all present voting yes (Levy was temporarily absent). **Motion passed unanimously.**

D) Approval of Contract in the Amount of \$73, 242 to Lacy Construction for Infrastructure Improvement in Block 78 of Paradise Park Subdivision and Allocation of Funds from Affordable Housing Fund for Block 78 Utility Extension. Council noted Bob Gillie's memo on the topic dated August 4, 2005.

Coburn moved and Bernholtz seconded that Lacy Construction Inc. be awarded the bid to install infrastructure in block 78, Paradise Park for the amount of \$73,242. Additionally, approval is granted that up to \$89,000 be allocated from the affordable housing fund for the installation of infrastructure into block 78. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Discussion Regarding Scheduling Date of Consideration of Appeal to Town Council of Board of Zoning and Architectural Review (BOZAR) Decision Concerning Re-siding of Residence at 402 Sopris Ave.

Magner advised that all rules of quasi-judicial procedure be followed for the appeal and Council should not discuss the case with the appellant. Magner explained that she will provide the council with a memo re: quasi-judicial

proceedings. Magner also explained that discussion regarding revision of the building design guidelines should not be held during the appeal hearing but may be discussed at another time.

Bernholtz moved and Helland seconded to schedule an appeal of a BOZAR decision regarding re-siding of residence at 402 Sopris Avenue during the regular September 19, 2005 Council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Resolution No. 6, Series 2005-A Resolution of the Town of Crested Butte in Support of State Ballot Referenda C and D.

Bell noted background information in the Council packet regarding referenda C and D. Bernholtz explained that local resident Steve Glazier asked him to tell Council that he supports referendum C but not referendum D. Schmidt said he is strongly in favor of both C and D.

Levy moved and Chlipala seconded to approve Resolution No. 6, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

6. **LEGAL MATTERS/TOWN ATTORNEY**

Magner explained that increasing numbers of citizens of municipalities in Colorado are availing themselves of their right to obtain open records and it's important for the Town to adopt an open records policy that establishes fees for copies of documents as well as research fees. Crested Butte News reporter Aleesha Towns said open records policies can also be used to make it difficult for the media to obtain information. Council indicated support for the development of an open records policy with reasonable fees and directed Magner to draft a policy and bring it back to Council for consideration. Magner also updated the council on the Mt. Emmons lawsuit.

7. **STAFF REPORTS**

Bell:

- Explained that Council needs to move forward on the process for appointing the municipal judge. Bell suggested staff create a job announcement; and Town Clerk Eileen Hughes and Town Attorney Laura Magner serve on a committee along with two Council members to consider applications and make a recommendation to the Council. Levy and Berkshire volunteered to serve on the committee.
- Asked Council to hold a brief Executive Session near the end of the meeting to discuss acquisition of property.

Bernholtz moved and Levy seconded to go into executive session near the end of the meeting to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Gillie:

- Distributed copies of the road section for the 6th Street Improvement Project. Gillie also reported on the current storm drain project and the Rainbow Park

project.

KBUT radio representative Josh Elmer updated Council on plans for the Alpine Jam event, which takes places September 10, 2005. Elmer said ticket sales have been slow thus far but expected them to pick up. He said he was not expecting a large number of campers. He also explained that a 7 foot high chain link fence will be installed around the perimeter of the event, which will be held on the Center for the Arts outdoor stage and adjacent field.

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Coburn:

- Reported that the Gunnison Valley Economic Development Corporation has been instrumental in attracting a medical school to locate in Gunnison. Plans call for the construction of 70,000 square foot school for the International Health Science Program.

Schmidt:

- At a recent Mayor/Manager's meeting Jay Helman, president of Western State College (WSC), reported that a new business education building will be constructed at WSC. The building is being funded entirely through private funding.
- Noted that the U.S. Forest Service will be holding a meeting on Thursday, August 25 regarding watershed issues. Several council members planned to attend the meeting. Council briefly discussed concerns about Council members representing the Council at meetings if the Council has not previously discussed a topic.

Levy:

- Explained that as the Town's representative of the West Elk Loop Byway Committee, she planned to meet with Forest Service representative John Morrissey (who serves on the Byway Committee). She noted that they planned to discuss the installation of a porta-potty at the Kebler pass winter trailhead.

9. **OTHER BUSINESS TO COME BEFORE COUNCIL**

Council went into Executive Session to discuss acquisition of property

Council returned from Executive Session at 9:45 p.m. No action was taken.

Schmidt adjourned the meeting at 9:45 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk

